

EXHIBIT 1

MARYLAND TRANSPORTATION AUTHORITY POLICE DEPARTMENT
CRIMINAL INVESTIGATION REPORT

1. COMPLAINT CONTROL NUMBER 0 6 T 0 1 3 4 5 8			2. REPORTING OFFICER'S PRINTED NAME/PIN R.Arnold#0848 <i>R.Arnold</i>			3. DATE/TIME REPORTED 11/7/2006 / 1526			
4. OFFENSE Transporting handgun in vehicle					5. DAY OF WEEK Tue		6. DATE /TIME OCCURRED 11/7/2006 / 1526		
7. LOCATION OF OFFENSE Interstate 95 S.B. @ MM 60.3						8. RELATED REPORTS 06T013459/ 06T013460			
9. VICTIM'S NAME LAST, FIRST, MI (FIRM NAME IF BUSINESS) State Of Maryland						10. SEX/RACE/DOB N/A /N/A /		11. RESIDENCE PHONE	
12. ADDRESS 2301 S. Clinton St			CITY Balto,		STATE Md		ZIP 21224		
							13. ALTERNATE PHONE 410-537-1200		
14. C - COMPLAINANT V - VICTIM (OTHER THAN #9) P - PARENT/GUARDIAN									
15. NAME (LAST, FIRST, MI) Arnold,R				16. CODE C		17. SEX/RACE/DOB N/A /N/A /		18. RESIDENCE PHONE N/A	
19. ADDRESS N/A				CITY STATE		ZIP		20. ALTERNATE PHONE N/A	
21. BUSINESS ADDRESS 2301 S. Clinton St, Balto, Md, 21224				CITY STATE		ZIP		22. BUSINESS PHONE 410-537-1200	
23. WAS THERE A WITNESS TO THE OFFENSE? <input type="checkbox"/> NO <input checked="" type="checkbox"/> YES WAS A STATEMENT TAKEN? <input checked="" type="checkbox"/> NO <input type="checkbox"/> YES									
24. WITNESS (LAST, FIRST, MI) Izquierdo, C				25. SEX/RACE/DOB N/A /N/A /		26. RESIDENCE PHONE N/A			
27. ADDRESS 2301 S.Clinton St Balto, Md, 21224				CITY STATE		ZIP		28. ALTERNATE PHONE 410-537-1200	
29. IS THERE A SUSPECT? <input type="checkbox"/> NO <input checked="" type="checkbox"/> YES									
30. ARRESTEE / SUSPECT (LAST, FIRST, MI) McDaniel, Brian, R			31. ALIAS N/A		32. SEX/RACE/DOB M /B / 1/22/76		33. HGT 510		
							34. WGT 200		
							35. HAIR Blk		
							36. EYES Bro		
37. ADDRESS 1004 W . Cliveden St				38. OCCUPATION/EMPLOYER Self Employed					
City Philadelphia		State Pa		Zip Code 19119		39. PLACE OF BIRTH Philadelphia		40. TRACKING # 066004148943	
								41. TA # 07579	
30. ARRESTEE / SUSPECT (LAST, FIRST, MI) N/A			31. ALIAS N/A		32. SEX/RACE/DOB N/A /N/A /		33. HGT N/A		
							34. WGT N/A		
							35. HAIR N/A		
							36. EYES N/A		
37. ADDRESS N/A				38. OCCUPATION/EMPLOYER N/A					
City N/A		State N/A		Zip Code N/A		39. PLACE OF BIRTH N/A		40. TRACKING # N/A	
								41. TA # N/A	
42. SUSPECT VEHICLE INVOLVED? <input type="checkbox"/> NO <input checked="" type="checkbox"/> YES									
43. COLOR Gold		44. YEAR 2000		45. MAKE Dodge		46. MODEL Intrepid		47. REG. STATE FI	
								48. REG. NO. C851EE	
								49. VIN 2B3HD56U7YH111491	
50. MODE OF OPERATION Suspect was transporting a loaded handgun inside the trunk of the vehicle.									
51. INSTRUMENT, FORCE, WEAPON N/A				52. SCENE PROCESSING: <input type="checkbox"/> PHOTOS <input type="checkbox"/> FINGERPRINTS <input type="checkbox"/> OTHER (EXPLAIN) <input checked="" type="checkbox"/> N/A (EXPLAIN)				53. CRIME LAB? <input checked="" type="checkbox"/> NO <input type="checkbox"/> YES	
								<input type="checkbox"/> MSP <input type="checkbox"/> LOCAL <input type="checkbox"/> OTHER	
54. WAS THERE? <input checked="" type="checkbox"/> TRACEABLE PROPERTY <input type="checkbox"/> PHYSICAL EVIDENCE <input type="checkbox"/> NO <input checked="" type="checkbox"/> YES									
55. FIREARM USED? <input checked="" type="checkbox"/> NO <input type="checkbox"/> YES		IF FIREARM USED <input type="checkbox"/> LOADED <input type="checkbox"/> UNLOADED		IF RECOVERED GIVE EXACT LOCATION					
56. PROPERTY STOLEN/DAMAGED ITEM NO. 1 N/A				57. IDENTIFICATION NO. N/A				58. VALUE N/A	
PROPERTY STOLEN/DAMAGED ITEM NO. 2 N/A				IDENTIFICATION NO. N/A				VALUE N/A	
PROPERTY STOLEN/DAMAGED ITEM NO. 3 N/A				IDENTIFICATION NO. N/A				VALUE N/A	
59. IF PROPERTY RECOVERED WAS OWNER NOTIFIED? <input type="checkbox"/> NO <input type="checkbox"/> YES						60. TOTAL VALUE: N/A			

ORIGINAL - RECORDS

CANARY - DETACHMENT

PINK - DETECTIVE UNIT

DETECTIVE UNIT – PINK

DISTRICT COURT OF MARYLAND FOR BALTIMORE CITY

DATE: 11/07/2006
TIME: 20:24

RELATED CASE(S):

BH17851



LOCATED AT (COURT ADDRESS)

DISTRICT COURT
CASE NUMBER

DEFENDANT'S NAME (LAST, FIRST, M.I.)

MCDANIEL, BRIAN

COMPLAINANT

DEFENDANT

NAME (LAST, FIRST, M.I.)

ARNOLD, OFC.

TITLE

OFFR

NAME (LAST, FIRST, M.I.)

MCDANIEL, BRIAN

TITLE

AGENCY

SUB-AGENCY

I.D.NO.(POLICE)

GT

TC

0848

MAFIS NAME (LAST, FIRST, M.I.)

TITLE

I.D.NO.

RACE

SEX

HT.

WT.

D.O.B.(MM/DD/YY)

B

M

5/10

200

1/22/76

WORK TELEPHONE

(410) 522-9406

HOME TELEPHONE

()

HAIR

BLK

EYES

BRO

OTHER DESCRIPTION

ADDRESS

TUNNEL COMMAND

APT.NO.

2301 S. CLINTON STREET

WORK TELEPHONE

()

HOME TELEPHONE

()

ADDRESS

1004 W CLIVEDEN ST

APT.NO.

CITY

BALTIMORE

STATE

MD

ZIP CODE

21224

CITY

PHILADELPHIA

STATE

PA

ZIP CODE

19119

☐ DOMESTIC VIOLENCE☐ HATE CRIME

Page 1 of 1

STATEMENT OF CHARGES

IT IS FORMALLY CHARGED THAT THE DEFENDANT

1

CJIS CODE

1 0175

AR

06086648

ON OR ABOUT (DATE)

11-07-06

AT (PLACE)

IS 95 S.B. @MM603

BALTIMORE CITY, STATE OF MARYLAND

...did wear, carry and knowingly transport a handgun in a vehicle upon the public roads, highways, waterways, airways and parking lots generally used by the public.

IN VIOLATION OF:

☐ MD. ANN. CODE

CR

4-203

ART.

SEC.

☐ COMMON LAW OF MD.☐ PUB. LOCAL LAW

ART.

SEC.

PROBABLE CAUSE

Y

N

☐ COMAR / AGENCY CODE NO.☐ ORDINANCE NO.AGAINST THE PEACE,
GOVERNMENT AND
DIGNITY OF THE STATE

COMMISSIONER INITIALS:

ID NO.

2

CJIS CODE

AR

ON OR ABOUT (DATE)

AT (PLACE)

IN VIOLATION OF:

☐ MD. ANN. CODE

CR

4-203

ART.

SEC.

☐ COMMON LAW OF MD.☐ PUB. LOCAL LAW

ART.

SEC.

PROBABLE CAUSE

Y

N

☐ COMAR / AGENCY CODE NO.☐ ORDINANCE NO.AGAINST THE PEACE,
GOVERNMENT AND
DIGNITY OF THE STATE

COMMISSIONER INITIALS:

ID NO.

☐ CONTINUED ON ATTACHED SHEET (FORM DC/CR 2A)

TRACKING NO.



CBF NO.

FORM DC/CR 2 (Rev 7/94)

DATE: 11/07/2006



DISTRICT COURT OF MARYLAND FOR BALTIMORE CITY

LOCATED AT (COURT ADDRESS)

10 CHERRY HILL RD., BALTO, MD 21223

DISTRICT COURT
CASE NUMBER

TIME: 20:30

RELATED CASE(S):

BH17851

COMPLAINANT				DEFENDANT					
NAME (LAST, FIRST, M.I.)		TITLE		NAME (LAST, FIRST, M.I.)		TITLE			
ARNOLD, OFC.		OFFR		MCDANIEL, BRIAN					
AGENCY	SUB-AGENCY	I.D.NO.(POLICE)		MAFIS NAME (LAST, FIRST, M.I.)		TITLE			
GT	TC	0848							
WORK TELEPHONE		HOME TELEPHONE		I.D.NO.	RACE	SEX	HT.	WT.	D.O.B.(MM/DD/YY)
(410) 522-9406		()		BLK	B	M	5/10	200	1/22/76
HAIR		EYES		OTHER DESCRIPTION					
BLK		BRO							
ADDRESS		APT.NO.		WORK TELEPHONE		HOME TELEPHONE			
TUNNEL COMMAND		2301 S. CLINTON STREET		()		()			
ADDRESS		APT.NO.		1004 W CLIVEDEN ST					
CITY	STATE	ZIP CODE		CITY		STATE		ZIP CODE	
BALTIMORE	MD	21224		PHILADELPHIA		PA		19119	

☐ DOMESTIC VIOLENCE☐ HATE CRIME

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STATEMENT OF PROBABLE CAUSE

ARREST ON TRAFFIC/NATURAL RESOURCES CITATIONS/CRIMINAL CHARGES/MUNICIPAL ORDINANCES/PUBLIC LOCAL LAWS

THE DEFENDANT HAS BEEN ARRESTED UPON THE FOLLOWING INFORMATION OR OBSERVATION: (MAKE A PLAIN, CONCISE AND DEFINITIVE STATEMENT OF ESSENTIAL FACTS CONSTITUTING THE OFFENSE CHARGED)

On 11-07-06 at approximately 1526 hours while on duty in full uniform operating a marked police cruiser. I observed a 2000 Dodge bearing Florida registration C851EE traveling Interstate 95 South Bound. I observed the vehicle travel from lane #2 into lane # 3 in the lane of travel following the vehicle in lane #3 less than two car lengths of distance causing the 2000 Dodge to brake to regain distance between himself and the vehicle in lane #3. I then activated my emergency equipment lights and siren and initiated a traffic stop at IS 95 S.B @MM603. Upon approach and contact with the operator who was identified through his valid Pennsylvania drivers license to be Mr. Brian McDaniel. At the vehicle Mr. McDaniel stated that he had a handgun located in the trunk of his vehicle. Mr. McDaniel also stated and provided a handgun permit to carry a handgun in the state of Pennsylvania. I then asked the operator to step out of his car and began a probable cause search of the vehicle. The search of the vehicle revealed a loaded Glock 9mm handgun serial #GAU082 with a loaded magazine carrying 10 live 9mm rounds located in a shopping bag that was located in the trunk of the vehicle. I then located a second loaded 9mm magazine containing 8 live 9mm rounds that was located next to the handgun. I then placed Mr. McDaniel under arrest. All events occurred Baltimore City Maryland.

☐ CONTINUED ON ATTACHED SHEET (FORM DC/CR 4A)

LAW ENFORCEMENT

I SOLEMNLY AFFIRM UNDER THE PENALTIES OF PERJURY THAT THE MATTERS AND FACTS SET FORTH IN THE FOREGOING DOCUMENT ARE TRUE TO THE BEST OF MY KNOWLEDGE, INFORMATION AND BELIEF.		
DATE 11/07/2006	ARRESTING OFFICER	
AGENCY GT	SUB-AGENCY TC	I.D. NO. 0848

PROBABLE CAUSE CHARGES #

LACK OF PROBABLE CAUSE CHARGES #

I HAVE REVIEWED THE STATEMENT OF CHARGES AND HAVE DETERMINED THAT		
<input type="checkbox"/> THERE IS PROBABLE CAUSE TO DETAIN THE DEFENDANT		
<input type="checkbox"/> THERE IS NOT PROBABLE CAUSE TO DETAIN THE DEFENDANT AND I HAVE ACCORDINGLY RELEASED HIM ON HIS OWN RECOGNIZANCE		
DATE	JUDICIAL OFFICER	COMMISSIONER I.D. NO.



TRACKING NO.

CBF NO.

FORM DC/CR 4 (Rev. 7/94)

EXHIBIT 2

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MARYLAND**

BRIAN MCDANIEL

*

Plaintiff

*

v.

*

Case No. Case No. ELH-10-0189

STATE OF MARYLAND *et al.*

*

Defendants

*

* * * * *

NOTICE OF FILING OF LENGTHY EXHIBIT

Exhibit 2 is a copy of Digital Video Disk (DVD) recording and exists on in disk format and cannot be scanned or if scanned will be larger than 1.5 MB. I certify that within 24 hours of the filing of this Notice, I will file and serve paper and disk copies of the above with the Clerk, the assigned Judge, and all registered CM/ECF users in this matter.

Respectfully submitted,

ATTORNEY GENERAL
DOUGLAS F. GANSLER

/s/
Stephen W. Thibodeau
Assistant Attorney General
Maryland Transportation Authority
2310 Broening Highway
Baltimore, Maryland 21224
(410) 537-1014
Trial Bar No.27253

Attorneys for Officer Arnold and Officer
Izquierdo

EXHIBIT 3

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MARYLAND

BRIAN MCDANIEL

Plaintiff

Case No.

vs.

RDB-10-0189

STATE OF MARYLAND, et al.

Defendants

_____ /

The deposition of BRIAN MCDANIEL was held on Friday, September 16, 2011, commencing at 10:10 a.m., at the Maryland Transportation Authority, Office of the Attorney General, 2310 Broening Highway, Suite 150, Baltimore, Maryland 21224, before Dawn L. Venker, Notary Public.

REPORTED BY: Dawn L. Venker

1 A Yes, it was -- I think it was plastic bag.

2 Q Okay. You don't remember the color of the
3 bag, or anything like that?

4 A No, I do not.

5 Q But it wasn't -- you didn't have it stored
6 in any sort of locked box or anything like that?

7 A No.

8 Q Why did you have it in a bag?

9 A Transporting it. Just what I decided to
10 put it in.

11 Q And if you were going from Philadelphia to
12 your apartment, why did you have it on you?

13 A So I could have it in my apartment in
14 Maryland.

15 Q Okay. But you didn't have a carry permit
16 for it in Maryland? Do we have that right?

17 A Correct.

18 Q So you were trans -- as you were going,
19 part of this, you were transporting it to your
20 apartment in Maryland. What was the condition of the
21 gun when it was in your car?

1 Q Okay. And what did you notice?

2 A I didn't -- all I know is he was searching
3 the car. Like kind of putting his face to -- and hand
4 up -- up to the window to search within the car.

5 Q So you've indicated that he's got his hand
6 up by his forehead and he's looking in the car?

7 A Yes.

8 Q Do I have that right? And what was the
9 other officer doing?

10 A He approached the car. Did basic routine
11 of saying why he stopped me. License, registration,
12 etcetera.

13 Q Okay. And he asked you for license,
14 registration. What did you say in response to that?

15 A "Why did you pull me over?"

16 Q And what was his response?

17 A He gave me his reason of why he pulled me
18 over.

19 Q And what was the reason?

20 A It seemed -- it seemed for two things. He
21 said speeding. He said driving -- driving too closely.

1 He said it a couple times. I guess I asked him --
2 couldn't hear me. It was a lot of noise. And I
3 actually questioned why he was pulling me over. So I
4 don't know if -- if he said it at the -- both at the
5 same time, or he changed. But he -- he did eventually
6 tell me why he was pulling me over. Wasn't --
7 wasn't -- to me he wasn't confident.

8 Q What do you mean by he wasn't confident?

9 A He seemed like he didn't know why he pulled
10 me over because -- that's my opinion. That's all I can
11 say. That may not be the fact, but --

12 Q Anything particular why he seemed that way?

13 A I guess he -- he -- because I -- I did
14 question him of why he was pulling me over. And I may
15 have -- I don't know if -- if -- his thought process
16 after that, but he seemed to be hesitant on why he was
17 pulling me over.

18 Q Well, let me understand this.

19 A That's just -- and I'm just -- I'm going to
20 say this. This is my opinion. I don't know if that
21 was the case or not. That's what I -- that's what I

1 wallet. So basically I have to find everything. And
2 so I can't recall exactly how my wallet was because I
3 switch wallets like almost every year. So I can't
4 recall exactly how, like from word for word or how my
5 wallet was positioned, or how cards were positions, but
6 I know stuff was out.

7 Q Yeah. Main thing is that there was cards
8 from your wallet in plain view?

9 A Yeah.

10 Q And Officer Arnold, who was the second
11 officer, I believe, that came up, asked you about one
12 of them. Do I have that right?

13 A Correct.

14 Q What card did he ask you about?

15 A He saw my Pennsylvania gun permit.

16 Q Okay. And what did he ask about that?

17 A He just said, "What is it?"

18 Q What did he say?

19 A I said, "It's my Pennsylvania gun permit."

20 Q And what, if anything, did he say in
21 response to that?

1 A As I recall, he may have asked to see it.

2 Q You say "may have asked to see it." Is
3 there anything that gives you doubt that he did ask to
4 see it?

5 A Not 100 percent sure. That's all.

6 Q Okay.

7 A In other words, "see it" means physically
8 hold it.

9 Q Okay. And what did you say in response to
10 that?

11 A If -- if -- I mean if he asked for it, I
12 gave it to him.

13 Q So you gave him your Pennsylvania gun
14 permit. What did he do after that?

15 A Told me to get out of the car.

16 Q Okay. So when you gave him the permit, he
17 took it from you I presume?

18 A Yeah, if I recall. Like I said, I'm 70
19 percent sure that he asked for it. If not, he just
20 said what is it. And I told him what it was. And
21 instead of getting -- instead of asking where, he got

1 me out of the car. So it's one or the other. He saw
2 it or he didn't see it. I can't recall if he did or
3 not.

4 Q Okay. So you don't remember whether or not
5 you did give him the permit?

6 A I do not fully remember, no, I do not.

7 Q Okay. You don't know whether or not he
8 looked at it?

9 A No, I do not remember. I do not recall 100
10 percent, no.

11 Q And you -- I think -- you don't remember if
12 you gave it to him?

13 A I do not remember.

14 Q So at some point after you had indicated
15 that it was a Pennsylvania gun permit, he asked you to
16 get out of the car?

17 A Correct.

18 Q Okay. And what did you do?

19 A I got out of the car.

20 Q And what, if anything, did either of the
21 officers say to you at that point?

1 A He walked me to the back of the car. Just
2 walked me to the back of the car and start questioning
3 me more.

4 Q Okay. And when you say he started
5 questioning you more, what do you mean? What did he
6 say?

7 A Well first, they -- they started putting my
8 hands behind my back.

9 Q Okay. So let me get -- sure I have the
10 sequence of this correct.

11 A And --

12 Q Go ahead.

13 A I'm sorry. First he put my hands behind my
14 back. Said, "We are going to put you in handcuffs for
15 your own -- for our and your own protection."

16 Q So let me see if I understand this. You
17 get out of the car. You close the door behind you, or
18 they?

19 A I don't recall.

20 Q Okay. They don't say anything to you at
21 that point. Do I have that right?

1 answer. He's already asked the question.

2 A Yeah. As I stated before, I don't recall
3 any details. All I recall -- because I really
4 wasn't -- like he didn't -- he didn't spend time on it.
5 It was just something I remember him mentioning about
6 the permit, and he moved on.

7 Q Okay. He asked you the questions about the
8 permit. At some point you indicated you were placed in
9 handcuffs. Do I have that right?

10 A Correct.

11 Q And so the questions about the permit came
12 before the handcuffs? Do I have that right?

13 A Yes.

14 Q Places you in handcuffs. What occurs next?

15 A He asked me whether it was a gun in the
16 car.

17 Q Okay. And what was your response?

18 A "Yes." I told him -- I said, "Yes, and
19 it's in the trunk."

20 Q And what occurred after that?

21 A I don't recall. I think he started to call

EXHIBIT 4

DISTRICT COURT OF MARYLAND

[Go Back](#)**Case Information**

Court System: **DISTRICT COURT FOR BALTIMORE CITY - CRIMINAL SYSTEM**
Case Number: **1B01842912** Tracking No: **066004148943**
Case Type: **CRIMINAL**
District Code: **01** Location Code: **02**
Document Type: **STATEMENT OF CHARGES** Issued Date: **11/08/2006**
Case Status: **CLOSED** Case Disposition: **TRIAL**

Defendant Information

Defendant Name: **MCDANIEL, BRIAN**
Race: **BLACK, AFRICAN AMERICAN**
Sex: **M** Height: **510** Weight: **200** DOB: **01/22/1976**
Address: **1004 W CLIVEDEN ST**
City: **PHILADELPHIA** State: **PA** Zip Code: **19119 - 0000**

Charge and Disposition Information

(Each Charge is listed separately. The disposition is listed below the Charge)

Charge No: **001** Description: **HANDGUN IN VEHICLE**
Statute: **CR.4.203** Description: **HANDGUN IN VEHICLE**
Amended Date: CJIS Code: **1 0175** MO/PLL: Probable Cause: **X**
Incident Date From: **11/07/2006** To: **11/07/2006** Victim Age:

Disposition

Plea: **OTHER PLEA**
Disposition: **NOLLE PROSEQUI** Disposition Date: **02/07/2007**
Fine: **\$0.00** Court Costs: **\$0.00** CICF: **\$0.00**
Amt Suspended: Fine: **\$0.00** Court Costs: **\$0.00** CICF: **\$0.00**
PBJ EndDate: Probation End Date: Restitution Amount: **\$0.00**
Jail Term: Yrs: Mos: Days:
Suspended Term: Yrs: Mos: Days:
Credit Time Served:

Related Person Information

(Each Person related to the case other than the Defendant is shown)

Name:
Connection: **WITNESS/POLICE OFFICER**
Agency Code: **GT** Agency Sub-Code: **FMT** Officer ID: **1173**

Name: **DOBSON, MAI-LAN**
Connection: **SURETY**
Address: **413 N. 55TH ST**
City: **PHILADELPHIA** State: **PA** Zip Code: **19139**

Name: **ARNLOD, R J OFF**
Connection: **COMPLAINANT/POLICE OFFICER**
Agency Code: **GT** Agency Sub-Code: **TC** Officer ID: **0848**

Event History Information

	Event Date	Comment
DOCI	11/08/2006	SC ISSUED 061108
RCAS	11/08/2006	0EH17851
INIT	11/08/2006	061108;00003500.00;HDOB;010;CASH;1312
CMIT	11/08/2006	DEFENDANT COMMITTED;061108;BCJ
BALR	11/08/2006	061108;00001500.00;HDOB;010;CASH;9C3
CMIT	11/08/2006	DEFENDANT COMMITTED;061108;BCJ;
BOND	11/08/2006	061108;00001500.00;PCT ; ; ;010
RELS	11/08/2006	DEFENDANT RELEASED FROM COMMITMENT

The complete case file must be obtained from the District Court in which the case was last heard.